

MAY 20 2008

**BROOKS | KUSHMAN**  
INTELLECTUAL PROPERTY LAWBrooks Kushman P.C.  
1000 Town Center, Twenty-Second Floor  
Southfield, MI 48075-1238 USA

Telephone: (248) 358-4400

Fax: (248) 358-3351

www.brookskushman.com

**FAX**

To: Office of Initial Patent Examination  
Company: U.S. Patent and Trademark Office  
Fax No.: (571) 273-8300  
Phone No.:  
From: John E. Nemazi  
Date: May 20, 2008  
File No.: GPC 0103 PUSA

Approx. Time: 3:00 p.m.  
Total Pages (w/cover): 8

**Message:**

Please see the attached Request for Corrected Filing Receipt in regard to Serial No. 10/596,508, filed on 12/12/2006, and entitled Pyrazine Dervatives as Effective Compounds Against Infectious Diseases.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER  
MAY 20 2008

In re application of:

Group Art Unit:

Jan Eike Eikhoff

Examiner:

Serial No.: 10/596,508

Filed: 12/12/2006

For: Pyrazine Dervatives as Effective Compounds Against Infectious  
Diseases

Attorney Docket No.: GPC 0103 PUSA

**REQUEST FOR CORRECTED FILING RECEIPT**Office of Initial Patent Examination  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) respectfully request issuance of a Corrected Filing Receipt for the above-identified application. Upon Applicant's review of the Official Filing Receipt, an error has been discovered with respect to the following data:

Assignment to AXXIMA PHARMACEUTICALS AG, is incorrect. Should be **GPC BIOTECH AG** as indicated on attached Notice of Recordation of Assignment.

A copy of the Official Filing Receipt with the changes noted thereon is enclosed.

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8 (FACSIMILE OR FIRST CLASS MAIL)**

I hereby certify that this paper, including all enclosures referred to herein, is being facsimile transmitted to (571-273-8300) to: Office of Initial Patent Examination, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

05/20/08

Date of Deposit

John E. Nemazi

Name of Person Signing

Signature

S/N: 10/596,508

Atty Dkt No. GPC 0103 PUSA

If there are any questions concerning this communication, please feel free to contact the undersigned.

Respectfully submitted,

**Jan Eike Eikhoff**

By

  
John E. Nemazi

Reg. No. 30,876

Attorney/Agent for Applicant

Date: May 20, 2008

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22<sup>nd</sup> Floor  
Southfield, MI 48075-1238  
Phone: (248) 358-4400  
Fax: (248) 358-3351

REC.  
CENTRAL FAX CENTER

16:05:34

05-20-2008

4 / 8

MAY 20 2008



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
10/596,508	12/12/2006	1614	1465	GPC0103PUSA	53	1

CONFIRMATION NO. 2893

## FILING RECEIPT



0000000029381093

22045  
BROOKS KUSHMAN P.C.  
1000 TOWN CENTER  
TWENTY-SECOND FLOOR  
SOUTHFIELD, MI 48075

Date Mailed: 04/16/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections.

## Applicant(s)

Jan Eike Eikhoff, Munchen, GERMANY;  
Mark Richard Ashton, Oxford, UNITED KINGDOM;  
Stephen Martin Courtney, Oxfordshire, UNITED KINGDOM;  
Christopher John Yarnold, Oxfordshire, UNITED KINGDOM;  
Maurizio Varrone, Oxfordshire, UNITED KINGDOM;  
Pui Leng Loke, Oxfordshire, UNITED KINGDOM;  
Thomas Herget, Darmstadt, GERMANY;  
Wilfried Schwab, Neuried, GERMANY;  
Doris Hafenbradl, Pullach, GERMANY;

## Assignment For Published Patent Application

GPC BIOTECH AG, PLANEGG, GERMANY  
AXXIMA PHARMACEUTICALS AG, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 22045

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2004/014371 12/16/2004  
which claims benefit of 60/530,612 12/19/2003

## Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 03029038.1 12/16/2003

If Required, Foreign Filing License Granted: 04/13/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention,  
is **US 10/596,508**

page 1 of 3

Projected Publication Date: 371 Perfected

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

Title

Pyrazine Derivatives As Effective Compounds Against Infectious Diseases

Preliminary Class

514

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

USPTO

2/8/2008 9:01:01 PM PAGE 2/005 Fax Server

TO: BROOKS KUSHMAN COMPANY: 1000 TOWN CENTER, TWENTY-SECOND FLOOR

RECEIVED  
CENTRAL FAX CENTER  
MAY 20 2008

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

\*500455680A\*

FEBRUARY 07, 2008

PTAS

BROOKS KUSHMAN  
1000 TOWN CENTER, TWENTY-SECOND FLOOR  
SOUTHFIELD, MI 48075UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 02/04/2008

REEL/FRAME: 020463/0401  
NUMBER OF PAGES: 17

BRIEF: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNEE ADDRESS PREVIOUSLY RECORDED ON REEL 018604 FRAME 0768. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNMENT.

DOCKET NUMBER: GPC0103PUSA

ASSIGNOR:

EIKHOFF, JAN EIKE

DOC DATE: 06/27/2006

ASSIGNOR:

ASHTON, MARK RICHARD

DOC DATE: 06/09/2006

ASSIGNOR:

COURTNEY, STEPHEN MARTIN

DOC DATE: 05/20/2006

ASSIGNOR:

YARNOLD, CHRISTOPHER JOHN

DOC DATE: 05/25/2006

ASSIGNOR:

VARRONE, MAURIZIO

DOC DATE: 06/06/2006

P.O. Box 1450, Alexandria, Virginia 22313-1450 - www.uspto.gov

USPTO

2/8/2008 9:01:01 PM PAGE 3/005 Fax Server

TO: BROOKS KUSHMAN COMPANY: 1 TOWN CENTER, TWENTY-SECOND FLOOR

020463/0401 PAGE 2

## ASSIGNOR:

LOKE, PUI LENG

DOC DATE: 06/07/2006

## ASSIGNOR:

HERGET, THOMAS

DOC DATE: 06/19/2006

## ASSIGNOR:

SCHWAB, WILFRIED

DOC DATE: 06/12/2006

## ASSIGNOR:

HAFENBRADL, DORIS

DOC DATE: 06/18/2006

## ASSIGNEE:

GPC BIOTECH AG  
FRAUNHOFERSTRASSE 20  
MARTINSRIED/PLANEGG, GERMANY 82152

SERIAL NUMBER: 10596508

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: PYRAZINE DERIVATIVES AS EFFECTIVE COMPOUNDS AGAINST INFECTIONS  
DISEASESJOANN STEWART, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION